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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Letter dated 30 January 2018 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I would like to draw your attention to the speech given by President Serzh Sargsyan of the Republic of Armenia to the Parliamentary Assembly of the Council of Europe on 24 January 2018 in Strasbourg, France.

In your statement of 16 October 2017, you encouraged the sides to build on the positive momentum created by the summit held earlier the same day in Geneva between the Presidents of Azerbaijan and Armenia to reach a peaceful negotiated settlement of the conflict between the two countries.

However, this speech, full of the standard set of misinterpretations and falsifications, delivered immediately after the meeting between the Ministers of Foreign Affairs of Armenia and Azerbaijan on 18 January 2018 in Krakow, Poland, and just few days before the next visit of the Co-chairs of the Minsk Group of the Organization for Security and Cooperation in Europe to the region, demonstrated the unwillingness of the Government of Armenia to comply with the generally accepted norms and principles of international law and engage in good faith in ongoing efforts towards the earliest resolution of the conflict.

By resorting to fake historical narratives and fallacious legalistic arguments, Armenia has once again attempted to mislead the international community in order to conceal its policy of aggression and atrocious crimes against Azerbaijan and its people.

Proceeding from the importance of addressing the root causes of the conflict and their implications for regional peace and security and the conflict settlement process, I deem it important to make the following clarifications.

The allegation that the Nagorno-Karabakh region was annexed to Azerbaijan as a result of Stalin's decision is nothing other than a stark example of the blatant

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falsifications frequently resorted to by the Armenian side. The region has always been and will remain an inalienable part of Azerbaijan. The history, which Armenia so desperately tries to manipulate to serve its expansionist aspirations, is definitely not on its side.

It is well known that the Nagorno-Karabakh region of Azerbaijan is part of the geographical area called "Garabagh". The name of that part of the country consists of two Azerbaijani words, *qara* (black) and *bağ* (garden), while "Nagorno-Karabakh" is a Russian translation of the original name in the Azerbaijani language — Dağlıq Qarabağ — which means "mountainous Garabagh".

In his Strasbourg speech, the President of Armenia named the region differently neither more nor less than 25 times. However, such confusing attempts by Armenia to alter the geographical name of a part of Azerbaijan's internationally recognized territory are not only preposterous but null and void ab initio. Their invalidity stems from a clear violation of international law, the Constitution and the legislation of Azerbaijan and the principles of and procedures for the international standardization of geographical names established within the United Nations.

Further to historical aspects, the transfer of the Armenians to the Nagorno-Karabakh region and the broader South Caucasus as part of the implementation of the tsarist colonial policy aimed at altering the demographic and territorial structure that existed at the time started in the nineteenth century. Suffice it to refer to a simple example. In 1978, on the occasion of the 150th anniversary of their settlement in the Nagorno-Karabakh region, the Armenians erected the "Maraga-150" monument there. However, in 1988, immediately after Armenia overtly laid claim to that territory of Azerbaijan, the monument was destroyed. It is not difficult to guess who did this and why.

Imposed demographic changes have laid the basis for long-term instability, tensions and conflicts in the region that continue to date and have been accompanied by massacres and forcible deportations of the Azerbaijani population. The hostilities of 1905 and 1918 claimed the lives of thousands of people. The 31st of March is commemorated as the Day of Genocide of Azerbaijanis, in memory of those thousands of civilians killed as a result of Armenian offensives in 1918.[1]

Although the Armenian side spares no effort to introduce itself as a victim of discrimination, persecution and injustices carried out during the Soviet period, the reality testifies to the diametrically opposite situation. Thus, over the 70 years of Soviet rule, the territory of Armenia increased from 8,000–10,000 km^2 to 29,800 km^2. As a consequence, in 1920, the western part of the Zangazur region of Azerbaijan was annexed to Armenia, thus cutting off the Nakhchyvan region of Azerbaijan from the rest of the country.

Moreover, the mountainous part of Karabakh was given the status of autonomous oblast in the Soviet Socialist Republic of Azerbaijan in the 1920s. At the same time, the areas in Armenia with a much larger Azerbaijani population, more than half a million, were refused the same status. In the years since, all Azerbaijanis have been forced to leave their homeland in the territory of modern Armenia.

The Nagorno-Karabakh autonomous oblast of the Soviet Socialist Republic of Azerbaijan enjoyed a wide range of rights and privileges. In terms of economic development, the region was second, behind only the capital city of Baku. Overall, it edged out Azerbaijan and Armenia in almost all categories, including in the number of hospital beds, physicians in all specialties, public libraries, schools, preschool

[1] See the decree of the President of the Republic of Azerbaijan on the genocide of Azerbaijanis, issued on 26 March 1998 (A/53/94-S/1998/309).

facilities and other social infrastructure. The Armenian language was widely used in public life and in the work of local authorities. The State Pedagogical Institute has functioned in Khankandi with more than 2,000 students, mostly Armenians.

While expressing his worry about the alleged decline of the Armenians in Nagorno-Karabakh during the Soviet period and introducing it as a consequence of the "Baku policies", the President of Armenia passed in silence over the fact that the population of Armenia itself is continuously declining. Thus, according to the 2017 report of the National Statistics Service of Armenia, the population of Armenia declined from 3,514,900 in 1993 to 2,986,100 in 2017.[2]

As is seen in the information above, Armenia's actions were never peaceful in the past, nor were they peaceful at the end of 1980s, when Armenia resorted to force and violence in an attempt to realize its groundless and illegal territorial claims. Those actions started with the attacks on the Azerbaijani population both in the Nagorno-Karabakh region of Azerbaijan and in Armenia itself and culminated in brutal killings of thousands of Azerbaijani civilians, the expulsion of about 1 million Azerbaijanis from their homes in both Armenia and the occupied territories of Azerbaijan and the extensive destruction and pillaging of the seized areas.

The Armenian ideologists and extremist organizations have planned and carried out inter-ethnic disturbances in other parts of Azerbaijan as well, which were necessary to them as a means of launching an extensive anti-Azerbaijani campaign for covering up Armenia's unlawful annexationist intentions and violent methods for their achievement. Thus, for example, during the disturbances in the city of Sumgait, which claimed the lives of 26 Armenians and Azerbaijanis, one of their leading figures was a certain Edward Grigorian, an Armenian and resident of the city. The witnesses, including Armenians, identified Grigorian as one of the organizers and perpetrators of the violence. He was sentenced to long-term imprisonment.

At the end of 1991 and the beginning of 1992, when the Union of Soviet Socialist Republics ceased to exist and both Armenia and Azerbaijan attained independence and were accorded international recognition, armed hostilities and attacks against populated areas within Azerbaijan intensified and escalated into a full-fledged inter-State war. As a result, a significant part of Azerbaijan's territory, including the Nagorno-Karabakh region, the seven adjacent districts (Lachyn, Kalbajar, Zangilan, Gubadly, Jabrayil, parts of Fuzuli and Aghdam) and some exclaves, was occupied by Armenia.

In contradiction to his speech in question, the President of Armenia earlier publicly acknowledged that the war was started by Armenia and that the aim of the war was to fulfil the long-nurtured plan of seizing the territory of Azerbaijan. Moreover, he made it unequivocally clear that during the active military phase of the conflict, it was Armenia that had intentionally ignored the demands of the Security Council for the immediate cessation of all military activities and hostile acts for the purposes of establishing a stable ceasefire. In reality, at the very time when there was a real possibility of halting the bloodshed, saving the lives of thousands of people and investing in development and prosperity, Armenia continued its annexationist policy. Anyone who wishes to be convinced of that may refer to the interview with the incumbent President and then-Minister of Defence of Armenia, Serzh Sargsyan, conducted by British journalist Thomas de Waal on 15 December 2000.[3]

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[2] See, for example, www.lragir.am/index/eng/0/country/view/37763.

[3] Available in Russian from www.carnegieendowment.org/files/DeVaalinterview_r.pdf.

In addition, the following words of Serzh Sargsyan leave no doubt as to the question of the perpetrator of the massacre against the Azerbaijani population in the town of Khojaly:

> Before Khojalu, the Azerbaijanis thought that they were joking with us, they thought that the Armenians were people who could not raise their hand against the civilian population. We needed to put a stop to all that. And that's what happened. And we should also take into account that among those boys were people who had fled from Baku and Sumgait.[4]

Further, in answer to the question of whether he had any regrets about the deaths of thousands of people, Serzh Sargsyan said, "I have absolutely no regrets, since such upheavals are necessary, even if thousands have to die".

These words from a person holding the highest political post in Armenia speak for themselves and disprove any denial of responsibility for the crimes committed by the Armenian side in Khojaly and elsewhere in the occupied territories of Azerbaijan. It should be noted in particular that Khojaly was seized when Serzh Sargsyan served as senior commander of the illegal armed groups directly engaged in atrocities in the territory of Azerbaijan.

In his Strasbourg speech, trying to instructively recommend to the Parliamentary Assembly of the Council of Europe and the European Court of Human Rights how to act and what language to use in their documents, the President of Armenia neglected to recall the important decisions that both institutions have adopted in connection with the conflict and the commitments arising in that regard. It would be pertinent to fill in this gap.

Thus, in its resolution 1416 (2005) of 25 January 2005, the Parliamentary Assembly noted in particular that "considerable parts of the territory of Azerbaijan are still occupied by Armenian forces" and that "the military action, and the widespread ethnic hostilities which preceded it, led to large-scale ethnic expulsion and the creation of mono-ethnic areas which resemble the terrible concept of ethnic cleansing".[5] In its landmark judgment (Merits) of 16 June 2015 in the case of *Chiragov and others v. Armenia*, the European Court of Human Rights effectively put an end to Armenia's persistent denial of its responsibility for the aggression against Azerbaijan and the unlawful occupation of and military presence in my country's territory.[6]

Armenia's allegations about the April 2016 escalation along the front line are yet another attempt to distort the actual situation on the ground and divert attention from the urgent need to address the consequences of its aggression. In reality, what happened then was a direct result and a continuation of Armenia's policy of the use of force against Azerbaijan and the occupation of its territories.

It should be noted in particular that, since the very first day of the conflict, combat operations have been conducted exclusively inside the territory of my country, almost in the middle of Azerbaijan, affecting its civilian population and infrastructure. The same concerns the April 2016 escalation, when, as a result of Armenia's attacks, 34 towns and villages in Azerbaijan were shelled, causing casualties among civilians

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[4] Thomas de Waal, *Black Garden: Armenia and Azerbaijan through Peace and War* (New York and London, New York University Press, 2003).

[5] Resolution 1416 (2005) of the Parliamentary Assembly of the Council of Europe, entitled "The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference", 25 January 2005.

[6] *Chiragov and others v. Armenia*, Grand Chamber of the European Court of Human Rights, Judgment (Merits) of 16 June 2015, application No. 13216/05.

and servicemen as well as destroying or substantially damaging private and public property, including residences, schools and kindergartens.

The usual speculation on the Armenian side concerning human rights and self-determination also do not withstand criticism.

Suffice it to mention that, unlike Armenia, which has implemented a policy of total ethnic cleansing of both its own territory and the Nagorno-Karabakh region and other occupied territories of Azerbaijan, my country has preserved its ethnic and cultural diversity to the present day. Multiculturalism and tolerance are long-standing traditions in Azerbaijan that consolidate our multi-ethnic and multicultural society.

The international community has repeatedly expressed its indignation at the undisguised promotion by the leadership of Armenia of the odious ideas of racial superiority, ethnic and religious incompatibility and hatred towards Azerbaijan and other neighbouring nations. The relevant United Nations bodies and other international organizations, including the Council of Europe, have more than once expressed their serious concern about the spirit of intolerance prevailing in Armenia and the discriminatory policies and practices pursued in that country.

Thus, in its most recent concluding observations on the periodic reports of Armenia, the Committee on the Elimination of Racial Discrimination expressed concern at: reports of (a) "racist hate speech and discriminatory statements in public discourse", including by public and political figures and in the media, in particular on the Internet, mainly against religious minorities, asylum seekers and refugees; (b) "discrimination in the granting of asylum status based on ethnicity, religion or national origin"; and (c) "the absence of legislation criminalizing racist organizations and participation in such organizations ...".[7]

In its latest report on Armenia, the European Commission against Racism and Intolerance noted, in particular, intolerant statements against Azerbaijanis.[8]

The list of such examples is not exhaustive.

Armenia distorts and misinterprets the principle of the people's right to self-determination and, notwithstanding the concept of self-determination adopted in international law, attempts to impose the view that this principle may be applied in the form of unilateral secession for the Armenians living in the Nagorno-Karabakh region of Azerbaijan. In reality, such a view has nothing in common with the principle of self-determination set forth in the Charter of the United Nations, the Final Act of the Conference on Security and Cooperation in Europe (Helsinki Final Act) of 1975 and other international documents.

Moreover, it is abundantly clear that claims of self-determination are unsustainable when they are accompanied by egregious violations of international law, including its peremptory norms (*jus cogens*), such as those prohibiting the threat or use of force against the sovereignty and territorial integrity of States.

In that connection, actions that Armenia describes as "the exercise of the right to self-determination" have been unequivocally qualified by the Security Council, as well as by other authoritative international organizations, as the unlawful use of force and the commission of other serious crimes. The international community, including the Council and the General Assembly, has consistently reaffirmed the sovereignty, territorial integrity and inviolability of the internationally recognized borders of Azerbaijan. The illegality of the separatist regime established by Armenia in the

[7] See CERD/C/ARM/CO/7-11, paras. 9, 12 and 17.

[8] European Commission against Racism and Intolerance, Report on Armenia (fifth monitoring cycle), adopted on 28 June 2016, para. 31.

occupied territory of Azerbaijan has been repeatedly stated at the international level in the most unambiguous manner.[9]

As a country suffering from Armenia's aggression and its consequences, Azerbaijan is the party most interested in the earliest political settlement of the conflict. At the same time, no peaceful settlement of the conflict can be reached which violates the Constitution of the Republic of Azerbaijan and is inconsistent with international law. The resolution of the conflict is possible only on the basis of the sovereignty and territorial integrity of Azerbaijan within its internationally recognized borders.

The primary objective of the ongoing peace process, which is based on Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), is to ensure the immediate, complete and unconditional withdrawal of the Armenian armed forces from the Nagorno-Karabakh region and other occupied territories of Azerbaijan and the exercise by the forcibly displaced population of its inalienable right to return. The achievement of that objective is imperative and can in no way be introduced as a compromise and used as a bargaining chip in the conflict settlement process.

The military occupation of the territory of Azerbaijan does not represent a solution and will never produce an outcome desired by Armenia. Yerevan's irresponsible and provocative policy has no chance of succeeding. Armenia must drop its futile attempts to mislead its own people and the international community, engage constructively in the conflict settlement process and comply with its international obligations.

In the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", the Heads of State and Government and High Representatives, meeting in New York in September 2015, stated that there could be no sustainable development without peace and no peace without sustainable development. They reaffirmed their commitment to international law and "the need to respect the territorial integrity and political independence of States".[10]

The sooner Armenia withdraws its armed forces from the Nagorno-Karabakh region and other occupied territories of Azerbaijan, the earlier the conflict will be resolved and both countries and their peoples will benefit from the prospects of cooperation and economic development, thus enabling them to implement successfully the 2030 Agenda for Sustainable Development.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 19, 35 and 40, and of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative

[9] See, for example, A/72/508-S/2017/836.
[10] General Assembly resolution 70/1, preamble and para. 38.